

BEFORE  
THE PUBLIC SERVICE COMMISSION OF  
SOUTH CAROLINA  
DOCKET NO. 93-472-C - ORDER NO. 94-991 ✓  
SEPTEMBER 23, 1994

IN RE: Application of STS Networking Systems, Inc. d/b/a Scott Communications for a Certificate of Public Convenience and Necessity to Provide Store and Forward Telecommunications Services in South Carolina.	)	
	)	ORDER
	)	DENYING
	)	MOTION TO
	)	DISMISS
	)	

This matter comes before the Public Service Commission of South Carolina (the Commission) on the Motion to Dismiss Intervenor filed by STS Networking Systems, Inc., d/b/a Scott Communications (Scott).

On September 9, 1994, Scott filed a Motion to Dismiss the South Carolina Telephone Coalition (SCTC) as an intervenor in this Docket. In its motion, Scott alleges that the SCTC lacks standing to participate in this Docket. Scott bases its position on answers to interrogatories by the SCTC in which the SCTC discloses that it is not a corporation, has no organizational documents, and is not an organization approved by or recognized by the South Carolina Secretary of State. Scott alleges that the SCTC lacks standing to intervene in this Docket as the SCTC is not an entity subject to the Commission's jurisdiction and is not an entity approved or recognized by the South Carolina Secretary of State.

The Commission has carefully considered this matter and believes that Scott's Motion to Dismiss must be denied. The Rules

and Regulations established by the Commission define a "party" as [a]ny person named or admitted by the Commission as a party to a formal or informal proceeding before the Commission ..." 26 S.C. Code Regs. 103-804(I) (1976). The Commission's Rules and Regulations also define "person" as "[a]ny individual, partnership, corporation, association, establishment, governmental subdivision, or public or private organization of any character." 26 S.C. Code Regs. 103-804(H) (1976). The Commission's Rules and Regulations do not require that a party be an entity recognized by the Secretary of State or that a party be an entity subject to the jurisdiction of the Commission. Therefore, the Commission finds that that Scott's Motion to Dismiss the SCTC as an Intervenor must be denied.

IT IS THEREFORE ORDERED THAT:

1. Scott's Motion to Dismiss the SCTC as an Intervenor in this Docket is denied.

2. This Order shall remain in full force and effect until further Order of the Commission.

BY ORDER OF THE COMMISSION:

  
CHAIRMAN

ATTEST:

  
Executive Director

(SEAL)